

**REMARKS**

Reconsideration and allowance of the above-identified application are respectfully requested. Upon entry of this amendment, claims 1-10 and 12-21 are currently pending. Claim 11 has been cancelled without prejudice or disclaimer. Claims 1, 16, 20 and 21 have been amended.

Claims 1-10 and 12-21 stand rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. More specifically, the Official Action states that "While the invention may be concrete and/or useful, there does not appear to be any tangible result." The undersigned respectfully disagrees with this rejection, however pursuant to a discussion with Examiner Jarrett, the independent claims have been amended to include recitations directed toward the output and viewing of the requirements table by personnel. See, e.g., page 11, lines 13-15 of the originally filed specification.

Accordingly reconsideration and withdrawal of the rejection of claims 1-10 and 12-21 under 35 U.S.C. § 101 are respectfully requested.

Claims 5, 17 and 20-21 currently stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tavakoli et al., MMS: A materials management system (1992) in view of Hendrickson, Chris, Project Management for Construction (1998) as applied to claims 1-4, 6-10, 12-16 and 18-20 above and further in view of Wolters et al. (U.S. Patent Number 5,826,252). Prior to discussing this ground of rejection in detail, a brief description of exemplary embodiments is provided below.

According to exemplary embodiments, a forecasting tool is provided that enables a user to predict future demand for quantifiable items in connection with a plurality of projects. The exemplary forecasting tool has multiple tables, each of which contains information that is used in the forecasting process. For example, a project table has

project information for each project, including references to items (materials) to be employed in connection with the project. An item table has item information for each item referenced by the project table, e.g., an algorithm to be employed to determine a quantity of the item for a particular project. An algorithm table includes algorithm information for each algorithm referenced by the item table. Thus, the quantity of a needed item for a particular project may be determined by determining the specifics of the relevant algorithm(s), obtaining inputs used by the relevant algorithm(s) from the tables and applying the inputs to the algorithms. Additionally, the requirements table as populated in response to a particular query may be reviewed by personnel.

Tavakoli et al. (hereinafter "Tavakoli") describes a materials management system for providing assistance in managing the construction materials lifecycle as described within Tavakoli. However, there are significant differences between Tavakoli and Applicant's claimed combinations which render the claimed combinations patentably distinct from Tavakoli as discussed below.

### **Amended Claim 21**

A computer-readable medium having stored thereon computer-executable instructions for instantiating a forecasting tool comprising:

the forecasting tool which includes tables for predicting future demand for quantifiable items in connection with a plurality of projects, wherein the plurality of projects are related to installation projects in the communications industry, the tables comprising:

a project table having project information for each project, the project information including a reference to items to be employed in connection with the project;

an item table having item information for each item referenced by the project table, the item information including a reference to an algorithm to be employed to determine a quantity of the item for a particular project; and

an algorithm table having algorithm information for each algorithm referenced by the item table,

the tables further comprising a requirements table populated by the forecasting tool on a dynamic basis with information obtained from the tables in response to a query for demand for items, the tool populating the requirements table by accepting the query, traversing the tables of the database according to the query to accumulate data necessary to populate the requirements table, and in fact populating the requirements table based on the accumulated data, wherein the requirements table is output by the forecasting tool for viewing, further wherein the query input into the forecasting tool is modifiable,

the project information further including an identification of a project-type of the project, the tables further comprising a project-type table having project-type information for each project-type referenced by the project table, the project-type information including each item to be employed in connection with the

project-type,

the project information further including at least one milestone date for the project, the tables further comprising a milestone table having milestone information for each milestone date referenced by the project table, the milestone information including at least one key project moment to which a need for an item for the project is referenced,

the item information further including a reference to the milestone information in the milestone table and information on how to calculate a date when the item is required based on the milestone information,

the item information further including an identification of at least one supplier, the tables further comprising a supplier table having supplier information for each supplier referenced by the item table, the supplier information including the items supplied by the supplier and information for each supplied item,

the requirements table being populated with information including a project, an item for the project, and an amount of the item required for the project,

the requirements table being further populated with information including the date when the item is needed for the project,

the requirements table being further populated with information including the date when the item must be ordered to satisfy the date when the item is needed;

the requirements table being further populated with information including a supplier the item is to be ordered from, wherein the requirements table based on the accumulated knowledge is viewed by personnel.

It is respectfully submitted that the cited sections of Tavakoli do not teach or suggest all elements within Applicant's amended claim 21 combination for at least the following reasons.

#### **I. Tavakoli Does Not Appear to Teach or Suggest a Forecasting Tool**

Tavakoli does not appear to teach or suggest a forecasting tool. More specifically, the cited sections of Tavakoli (Column 1, Paragraph 1, Page 144; Column 2, Bullets 2, 4, Page 144; Column 2, Paragraph 1, Page 146; Column 1, Paragraph 2, Page 149) do not describe forecasting. The closest mention within those cited sections appears to be "the lead time necessary to meet these set dates" (Page 144, Col. 1, line 1) which is not the same as the provision of a forecasting tool which can only be found in Applicant's claim 21 combination. Additionally, Tavakoli does not appear to teach or suggest a forecasting tool wherein "the query input into the forecasting tool is modifiable."

**II. Tavakoli Does Not Teach or Suggest “an item table having item information for each item referenced by the project table, the item information including a reference to an algorithm to be employed to determine a quantity of the item for a particular project”**

Tavakoli does not teach or suggest “an item table having item information for each item referenced by the project table, the item information including a reference to an algorithm to be employed to determine a quantity of the item for a particular project”.

The Official Action appears to link the claim element “algorithm” to “method, steps, process, etc.” and appears to link the claim element “to determine the quantity of the item for a particular project” to “project information module, historical database” per the Official Action and the cited sections of Tavakoli (Abstract; Column 1, Paragraph 1, Page 144; Column 2, Bullets 2, 4, Page 144; Column 2, Paragraph 1, Page 146; Column 1, Paragraph 2, Page 149). It is respectfully submitted that linking item information to a reference to an algorithm to determine a quantity, does not appear to exist in these cited sections of Tavakoli. **Accordingly, should the Examiner maintain this ground of rejection in a subsequent communication, he is respectfully requested to specifically identify the portion of Tavakoli which is alleged to correspond to this claimed feature so that the Applicant has a full and fair opportunity to respond thereto.**

**III. Tavakoli Does Not Teach or Suggest “an algorithm table having algorithm information for each algorithm referenced by the item table”**

It is respectfully submitted that Tavakoli does not teach or suggest “an algorithm table having algorithm information for each algorithm referenced by the item table” (emphasis added). While the cited sections (Column 2, Paragraph 2, Page 143; Column 1, Paragraph 3, Page 144; Column 1, Paragraphs 1-2, Page 146; Tables 2-4; Fig. 2) of Tavakoli do describe materials received, materials ordered and similar things, it is respectfully submitted that there is no requirement for each item to have algorithm information stored in an algorithm table in the cited sections of Tavakoli.

**IV. Identified Language in Amended Claim 21 Is Functional and Not Merely Descriptive Material**

The undersigned respectfully disagrees with the characterization in the Official Action that “the use of the forecasting system/method merely represents non-functional descriptive material wherein the systems intended field of use is not functionally involved in the steps recited nor do they alter the recited structural elements” such that apparently no patentable weight was attributed to this claimed feature. However, claim 21 has been amended to include “wherein the requirements table is an output of the forecasting tool” and “wherein the requirements table based on the accumulated knowledge is viewed by personnel”. It is respectfully submitted that these amendments to claim 21 describe a forecasting tool which represents functional aspects of the claimed combination. Accordingly, it is respectfully submitted that claim 21 is also patentably distinguishable from Tavakoli since Tavakoli also lacks this claimed feature.

**V. Tavakoli Does Not Expressly Teach that the Intended Use of the Forecasting Tool is Related to Installation Projects in the Communications Industry**

As correctly stated in the Official Action, Tavakoli does not expressly teach the

claimed milestone information, nor does Tavakoli expressly teach that the project information includes a project type as claimed. In an attempt to remedy these deficiencies the Official Action attempts to graft sections of Hendrickson and Wolters et al. onto Tavakoli. Even after piecing these three pieces of art together there is another admitted deficiency in Tavakoli when compared to Applicant's claim 21 combination. More specifically, the Official Action also correctly states that Tavakoli does not expressly teach that the intended use of the forecasting tool is related to installation projects in the communications industry. To remedy this deficiency the Official Action takes Official Notice that "utilization of project management and/or materials management techniques for installation projects in the communications industry is well known and a common business practice". The undersigned respectfully traverses this taking of Official Notice per MPEP § 2144.03 at least because a reference which suggests this Official Notice would need to be reviewed to determine if one of ordinary skill in the art would be motivated to combine the reference with the other three references currently being used against Applicant's claim 21 combination so as to even arguably present a prima facie case of obviousness.

Similar comments apply to independent claim 20. Dependent claims 5 and 17 are allowable at least for the reasons to be described below with respect to independent claims 1 and 16 from which they respectively depend.

Accordingly, reconsideration and withdrawal of the rejection of claims 5, 17, 20 and 21 under 35 U.S.C. § 103(a) over Tavakoli et al., MMS: A materials management system (1992) in view of Hendrickson, Chris, Project Management for Construction (1998) as applied to claims 1-4, 6-10, 12-16 and 18-20 above and further in view of Wolters et al. (U.S. Patent Number 5,826,252) are respectfully requested.

Claims 1-4, 8-10, 12-16 and 19 currently stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tavakoli et al., MMS: A materials management system (1992). Independent claims 1 and 16 are allowable at least for

the reasons described above in sections I-IV with respect to claim 21. Additionally, dependent claims 2-4, 8-10, 12-15 and 19 are allowable at least for the reasons described above for the independent claims from which they ultimately depend.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-4, 8-10, 12-16 and 19 under 35 U.S.C. § 103(a) over Tavakoli et al., MMS: A materials management system (1992) is respectfully requested.

Claims 6-7 and 18 currently stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Tavakoli et al., MMS: A materials management system (1992) as applied to claims 1-4, 7-10, 12-16 and 19 above further in view of Hendrickson, Chris, Project Management for Construction (1998). These claims are allowable for at least the reasons described above with respect to claims 1 and 16 from which they ultimately depend. Additionally, dependent claim 7 is allowable for reasons of its own.

More specifically, dependent claim 7 includes "information on how to calculate a date when the item is required based on the milestone information" (emphasis added). It is respectfully submitted that the Official Action correctly states that Tavakoli does not expressly teach the phrase milestone but that the cited sections of Hendrickson (Paragraph 4, Page 107; Paragraph 2, Page 12, Page 112; Bullet 2, Page 184; Paragraphs 5-6, Page 184; Figure 9-6) used to remedy this deficiency of Tavakoli do not teach or suggest "how to calculate a date when the item is required based on the milestone information" (emphasis added). Only in Applicant's claim 7 combination can this feature, among others, be found.

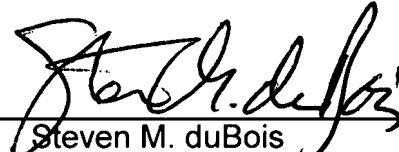
Accordingly reconsideration and withdrawal of the rejection of claims 6-7 and 18 under 35 U.S.C. § 103(a) over Tavakoli et al., MMS: A materials management system (1992) as applied to claims 1-4, 7-10, 12-16 and 19 above further in view of Hendrickson, Chris, Project Management for Construction (1998) are respectfully requested.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that this application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions regarding this response or the application in general, he is invited to contact the undersigned at (540) 361-1863.

Respectfully submitted,

POTOMAC PATENT GROUP PLLC

By:

  
\_\_\_\_\_  
Steven M. duBois  
Registration No. 35,023

Date: August 13, 2007

Potomac Patent Group PLLC  
P.O. Box 270  
Fredericksburg, VA 22404  
(540) 361-1863